

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

ANTONIO HARRIS

CIVIL ACTION NO.: 3:21-CV-01332

VERSUS

JUDGE TERRY A. DOUGHTY

JACOB BROWN, ET AL

MAG. JUDGE KAYLA D. MCCLUSKY

JOINT MOTION TO STAY AND CONTINUE

NOW INTO COURT, through undersigned counsel, come DEFENDANTS, GEORGE HARPER, JACOB BROWN, GARY GILLEY, SHERIFF OF RICHLAND PARISH, JOEL WEATHERLY, and DAKOTA DEMOSS, and PLAINTIFF, ANTONIO HARRIS, who respectfully submit the following:

1.

On May 19, 2021, Antonio Harris filed his Complaint arising from a series of events that occurred on or about May 23, 2020. [Doc. 1]. Harris later filed a First Supplemental and Amended Complaint for Damages on August 9, 2021. [Doc. 44]. Defendants here have filed responsive pleadings to those Complaints. [Docs. 52, 62, 63, 72].

2.

Within the First Supplemental and Amended Complaint, Harris brought claims for alleged constitutional violations and tortious acts, pursuant to the 4th, 8th, and 14th Amendments and Louisiana state law, committed by the Defendants following a chase which began when Harris absconded from a traffic stop, leading to his subsequent arrest and incarceration.

3.

On or about May 5, 2022, Harper, Brown, and DeMoss were each charged, upon information and belief via Bill of Information, with Simple Battery by the District Attorney for the Parish of Franklin, Louisiana. (See Defendant Charging Documentation, attached hereto as Exhibit 1).

4.

Upon information and belief those criminal charges against Harper, Brown, and DeMoss remain unresolved.

5.

On or about July 8, 2020, Harris was charged, upon information and belief via two separate Bills of Information, with Aggravated Flight From an Officer Where Human Life is Endangered, Resisting an Officer, Reckless Operation of a Vehicle, Operating a Vehicle While License Suspended/Revoked/Cancelled, Speeding, Improper Lane Usage, Failure to Obey Traffic-Control Signal, and four counts of Passing on Shoulder by the District Attorney for the Parish of Franklin, Louisiana. (See Harris Charging Documentation, attached hereto as Exhibit 2).

6.

Upon information and belief those criminal charges against Harris remain unresolved.

7.

Further, upon information and belief the Department of Justice is investigating the incident which forms the basis of Harris' Complaint and First Supplemental and Amended Complaint though no Defendant has been formally charged.

8.

Allowing this matter to proceed, especially in light of upcoming litigation deadlines, places an undue burden on Harper, Brown, DeMoss, and Harris, as discovery may very well interfere with their constitutional rights under the Fifth Amendment in the previously described criminal cases.

9.

Further, under Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364, 129 L. Ed. 2d. 383 (1994), a conviction in Harris' state court prosecution may preclude his recovery on some or all of his claims here. Allowing this matter to proceed while a potential Heck bar may be applied could lead to unnecessary litigation and discovery on issues which might ultimately prove irrelevant here.

10.

The parties anticipated a potential stay in their Rule 26(f) Case Management Report [Doc. 76] and based on the reasons articulated here, parties jointly move that all proceedings and discovery be stayed in this matter during the pendency of the above-described criminal prosecutions against Harris, DeMoss, Brown, and Harper.

11.

Further, on or about April 1, 2022 the Court entered its Scheduling Order [Doc. 78] setting the date for the jury trial of this matter for March 6, 2023.

12.

Given the requested stay, and considering the current Scheduling Order [Doc. 78], the parties also move that the current trial date be continued, the current Scheduling Order be vacated, and a new Scheduling Order issue upon Order of the Court after due proceedings had.

WHEREFORE, DEFENDANTS, GEORGE HARPER, JACOB BROWN, GARY GILLEY, SHERIFF OF RICHLAND PARISH, JOEL WEATHERLY, and DAKOTA DEMOSS, and PLAINTIFF, ANTONIO HARRIS, pray that all proceedings and discovery be stayed, pending the outcome of the criminal charges against Brown, Harper, DeMoss and Harris. Further, the parties pray that the trial date be continued, the current Scheduling Order be vacated, and that a new Scheduling Order issue upon Order of the Court after due proceedings had.

Respectfully submitted:

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By: <u>/s/ Michael Todd Sterling</u> Michael Todd Sterling Dreyer Sterling P O Box 89310 Atlanta, GA 30312 470-354-0600 michael@dreyersterling.com PRO HAC VICE ATTORNEYS FOR PLAINTIFF, ANTONIO HARRIS	PROVOSTY, SADLER, & deLAUNAY, APC By: <u>/s/ H. Bradford Calvit</u> H. BRADFORD CALVIT (#18158) bcalvit@provosty.com ELI J. MEAUX (#33981) emeaux@provosty.com 934 Third Street, Suite 800 (71301) P.O. Box 13530 Alexandria, LA 71315-3530 P: 318/767-3133 F: 318/767-9650 ATTORNEYS FOR DEFENDANT, GEORGE HARPER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2022, I electronically filed the foregoing JOINT MOTION TO STAY AND CONTINUE with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record.

By: <u>/s/ Pride J. Doran</u> Pride J. Doran Doran Law Firm P O Box 2119 Opelousas, LA 70571 337-948-8008 Fax: 337-948-0098 pride@doranlawfirm.com <i>ATTORNEYS FOR PLAINTIFF,</i> <i>ANTONIO HARRIS</i>	By: <u>/s/ Corrie Ruth Gallien</u> Corrie Ruth Gallien Doran & Cawthorne (LAF) 600 Jefferson St Lafayette, LA 70501 337-714-9077 corrie@doranlawfirm.com <i>ATTORNEYS FOR PLAINTIFF,</i> <i>ANTONIO HARRIS</i>
By: <u>/s/ Michael Todd Sterling</u> Michael Todd Sterling Dreyer Sterling P O Box 89310 Atlanta, GA 30312 470-354-0600 michael@dreyersterling.com <i>PRO HAC VICE</i> <i>ATTORNEYS FOR PLAINTIFF,</i> <i>ANTONIO HARRIS</i>	By: <u>/s/ Charles Bryan Racer</u> Charles Bryan Racer LA Dept. Of Justice Litigation Div (MON) 130 DeSiard Street, Ste. 812 Monroe, LA 71201 (318) 362-5250 racerc@ag.state.la.us <i>ATTORNEYS FOR DEFENDANT,</i> <i>DAKOTA DEMOSS</i>

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I further certify that I have forwarded the foregoing document via facsimile and/or first-class mail to the following non-CM/ECF participants: NONE

/s/ H. Bradford Calvit
H. BRADFORD CALVIT